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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,810	11/24/2003	Hayami Nakagawa	0649-0931P	3459
2292	7590	11/21/2006	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH			STRIMBU, GREGORY J	
PO BOX 747			ART UNIT	PAPER NUMBER
FALLS CHURCH, VA 22040-0747			3634	

DATE MAILED: 11/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/718,810

Applicant(s)

NAKAGAWA, HAYAMI

Examiner

Gregory J. Strimbu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7,9-11 and 13-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7,9-11 and 13-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 November 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Drawings

The drawing corrections filed November 2, 2004 have been approved.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Okamoto et al. Okamoto et al. discloses a door for a vehicle, comprising an outer panel 1, an inner panel 2 attached to the outer panel, the inner panel having a central opening (not numbered, but shown in figure 1) defined by an inner edge (not numbered, but shown in figures 1 and 3 as at least the portion of the inner panel 2 which includes the groove 7), a base plate 12 to which at least a window regulator module 31 is assembled, a single piece element 12 forming the entire base plate with the base plate having a peripheral edge (not numbered, but comprising one of the edges of element 24 as shown in figure 3) adapted to be attached to the inner edge of the inner panel, such that the peripheral edge makes contact with the inner edge so that the base plate wholly covers the central opening of the inner panel, a door glass 34, a belt line reinforcement 13.

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Claims 1, 5, 6, 9-11, 13-16 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Sakaguchi et al. Sakaguchi et al. discloses a door for a vehicle, comprising an outer panel 13, an inner panel 20, 21, 22 attached to the outer panel, the inner panel having a central opening (not numbered, but shown in figure 2) defined by an inner edge (not numbered, but shown in figure 2 adjacent the central opening), a base plate 40 to which at least a window regulator module 50 is assembled, a single piece element forming the entire base plate with the base plate having a peripheral edge (not numbered, but shown in figure 2) adapted to be attached to the inner edge of the inner panel, such that the peripheral edge makes contact with the inner edge (as shown in figure 3) so that the base plate wholly covers the central opening of the inner panel, the peripheral edge of the base plate 40 is attached to the inner edge of the inner panel 20, 21, 22 so as to cover the central opening from a vehicle compartment outer side of the inner panel as shown in figure 3, the central opening has a notched shape which gradually becomes narrower from an upper edge of the central opening toward a lower side of the central opening as shown in figure 2, a door glass 70, a belt line reinforcement 44.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sakaguchi et al. as applied to claims 1, 5, 6, 9-11, 13-16 and 18 above, and further in view of Baldamus et al. Baldamus et al. disclose the use of screws 16 to attach an inner panel to a base plate.

It would have been obvious to one of ordinary skill in the art to provide Sakaguchi et al. with screws, as taught by Baldamus et al., to increase the ease of assembling the door.

Response to Arguments

Applicant's arguments filed September 12, 2006 have been fully considered but they are not persuasive.

With respect to the applicant comments concerning Okamoto et al. and Sakaguchi et al., the examiner respectfully disagrees. Claim 1 has now been amended to set forth a "single piece element forming the entire base plate". Such a limitation does not prevent a reference that discloses a base plate comprising a plurality of components connected together from anticipating said limitation. The plurality of components form a single piece element after they have been connected together to form an integral element that can be moved as a single component. Accordingly, both Okamoto et al. and Sakaguchi et al. disclose a base plate formed by a single piece element, i.e., the integral element formed by the plurality of components connected together. If the applicant should disagree with the examiner's interpretation of the new claim limitation and argue that the base plate is an integral one component part or

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homogenous part, such an argument would not be supported by the original disclosure and any amendments to the disclosure to support such an argument would constitute new matter. Finally, both Okamoto et al. and Sakaguchi et al. disclose a respective base plate covering the whole of each respective opening since each base plate extends continuously over the opening.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 571-272-6836. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Gregory J. Strimbu
Primary Examiner
Art Unit 3634
November 16, 2006